

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

DANIEL LEE CLARK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO.: 5:16-cv-47

(Case No.: 5:04-cr-15)

ORDER

This matter is before the Court on Movant Daniel Lee Clark’s (“Clark”) Motion to Hold Ruling in Abeyance. (Doc. 5.) Clark seeks to have his 28 U.S.C. § 2255 proceedings held in abeyance pending the United States Supreme Court’s decision in Beckles v. United States, No. 15-8544, 136 S. Ct. 2510 (June 27, 2016) (granting certiorari), as to whether the decision in Johnson v. United States, ____ U.S. ___, 135 S. Ct. 2551 (June 26, 2015), applies to the Sentencing Guidelines’ definition of “crime of violence” and, if so, whether the Beckles decision will apply retroactively to cases on collateral review. In its Response to Clark’s Section 2255 Motion, the Government asserts it does not oppose a stay in these proceedings pending the Beckles decision, to the extent Clark’s Section 2255 Motion raises a Guidelines-based Johnson claim. (Doc. 3, p. 4 n.3.)

Upon consideration, the Court **GRANTS** Clark’s Motion. Therefore, it is hereby **ORDERED** that all proceedings in Case Number 5:16-cv-47 are **STAYED** until the Supreme Court issues a decision in the Beckles case. The Government shall file a Revised Response to Clark’s Section 2255 Motion within twenty-one (21) days of the Supreme Court’s issuance of an

opinion in Beckles. Clark may file a Reply to the Government's Revised Response within twenty-one (21) days of the Government's Revised Response.

SO ORDERED, this 6th day of September, 2016.



R. STAN BAKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA